



ZJW AF 3707
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raeder Examiner: Nguyen, D.
Serial No.: 09/383,876 Group Art Unit: 3723
Filed: August 26, 1999 Docket No.: AMDA.316PA
Title: Polishing Uniformity Via Pad Conditioning

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 10, 2005.

By: *Kelly S. Waitigney*
Kelly S. Waitigney

OFFICE ACTION RESPONSE AFTER FINAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer
No. 40581

Dear Sir:

In response to the final Office Action dated August 10, 2005, please consider the following remarks.

A listing of the claims begins at page 2 and the Remarks begin on page 6.

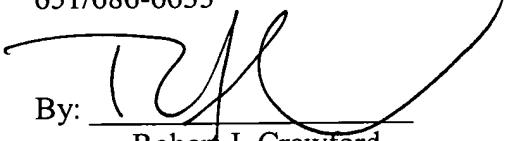
Authorization is hereby given to charge Deposit Account No. 01-0365 (TT2512) in the amount of \$200.00 for the additional independent claim in excess of three; and authorization is further provided to charge any additional fees or credit any overpayments that may be deemed necessary to the same deposit account number.

Applicant further maintains that the Examiner's inherency-type argument is improper. In the Response to Arguments, the Examiner erroneously relies on MPEP § 2112.02, which states that if a prior art device would necessarily perform the method claimed in its normal and usual operation, then the method claimed will be considered to be anticipated by the prior art device. As discussed above, the Examiner has failed to identify a device in the '462 teachings that corresponds to the claimed invention and further fails to present evidence that any such '462 device would perform the claimed method in its normal and usual operation. Because the Examiner has failed to provide the proper evidence extrinsic evidence that makes clear that the asserted inherent subject matter is necessarily present in the '462 reference, the assertion of inherency is improper and incorrect.

In view of the above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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By: 

Robert J. Crawford
Reg. No. 32,122

Dated: October 10, 2005